

men of whom the President has no doubt said to himself, as Macbeth said to Banquo :

“though I could
With bare-faced power sweep him from my sight,
And bid my will avouch it, yet I must not,
For certain friends that are both his and mine,
Whose love I may not drop, and thence it is
That I to your assistance do make love,
Masking the business from the common eye
For sundry weighty reasons.”

And it was against this very class of men that resolutions, as I read in the *Baltimore American* of yesterday, were directed, cautioning the people to keep guard over them in the Baltimore National convention; and it was this same gentleman, the chairman of this committee (Mr. Stirling) who, when he was about to be appointed a delegate to carry out the doctrines of the administration, said: “Don’t instruct us, but say that this delegation is requested to go for Abraham Lincoln.” But the voice of the people of Baltimore shouted out: “We will not permit it to be a request, but you shall go for him *first, last and all the time.*” Now let us see how well the gentleman will stand up to that.

MR. STIRLING. I do not see exactly what that has to do with the matter. It has no personal application to me, for gentlemen with me in the last Legislature, know that I was the first man here who offered a resolution declaring Mr. Lincoln the choice of the people of Maryland; and the gentleman voted against it.

MR. CLARK. I did, and I do not claim to be a supporter of the administration. But since then the gentleman who represents the city of Baltimore in Congress, has been opposing Mr. Lincoln’s administration, and doing all he can to defeat his important measures in Congress, and the gentleman from Baltimore city generally acts with him. However, I pass from these things, and come now to a discussion of high constitutional principles.

In order to test the soundness of the proposition embodied in article 4 of the proposed Declaration of Rights, I shall first inquire what is meant by the terms “allegiance” and “paramount allegiance.”

“Allegiance is the tie or ligament of fidelity and obedience which binds the subject to the king, in return for that protection which the king affords the subject. The thing itself, or substantial part of it, is founded in reason and the nature of government.” 1 Black. Com. 336. “The idea was taken or borrowed from the feudal system. The oath of *allegiance* was taken to the superior lord or sovereign. To the inferior lord the vassal took an oath of *fealty*. The oath of *paramount allegiance* was considered as overriding all others. “*Contra omnes homines fidelitatem fecit.*” There is an implied original, and natural al-

legiance due and owing from every subject to his sovereign.” 1 Bl. Com. 368. Allegiance is again defined in 1. Burrill’s Law Dictionary p. —, as “the tie or bond of fidelity and obedience, by which native born subjects or citizens are bound to their sovereign, government or country, in return for protection afforded them. See 2. Hill S. C. R., 1. 2. Kent Com. 44., 1. Comstock R. 173. Allegiance is thus made the correlative of protection extended or afforded. Allegiance to the Government is measured by the protection given by the Government. If paramount allegiance is due to the Federal Government then paramount protection must be extended by the Federal Government. Paramount allegiance involves the idea of liege allegiance; and when it comes in conflict with any other, overshadowing and cancelling all other forms of allegiance, irrespective of the question whether the government is exercising its proper powers or its usurped powers. If the proposition of the report of the majority of the committee be true, then the citizen must obey the general government in whatever and wherever it commands. *Contra omnes civitates fidelitatem fecit.*

I put this case to gentlemen. The Constitution expressly provides that every State shall be entitled to have two Senators. Suppose Congress should pass a law which should say that Maryland should have only one Senator; and goes on farther to provide that in case the members of the Legislature of Maryland should vote for more than one Senator to represent the State in the Senate of the United States—with the Constitution remaining unchanged—they shall be subjected to pains, and fines and penalties. Will gentlemen tell me that the members of the Legislature of Maryland would be bound to vote for only one Senator, and that the State of Maryland would be thereby bound to yield her right to two Senators in Congress? If she would not, then you cannot say that your allegiance to the Federal Government is so paramount that it shall override all State action. But if the proposition of the committee is true, then it follows that the State must give up her two Senators and take one, and that the members of her Legislature shall vote for but one Senator instead of two. That is what it leads to.

And hence I announce the doctrine to meet that proposition, that you are bound to obey the Constitution, and the laws of Congress passed in pursuance of that Constitution, and your allegiance is due to that extent; but that beyond that extent your allegiance is due to the State. And you are just as much bound not to obey the Federal Government when it undertakes to exercise usurped power, power not given it by the Constitution, as you are bound, when the State undertakes to violate its duties and its obligations, to maintain the authority of the laws of Congress